IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO: 16788 of 2004

Between:
M/s. Krishna Sai Granites rep. by its Managing Partner S. Hanumantha Rao,
S/o. Venkata Rao Chimakurthy,
R/o. Ongole, Prakasam District.

... PETITIONER

AND

The Asst. Provident Fund Commissioner and the Authority, under Section 7A
of the Act, Employees, Provident Fund Organisation, Sub Regional Office, 3rd
Line, Krishna Nagar, Guntur 06.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ order or direction particularly one in the nature of writ of certiorari after calling for the records relating to the Proc.No.AP/30153/7A/SRO/GNT/PRMI/COMP.III/04/736 dt. 23.7.2004 directing to pay EPF contributions amount of Rs. 6,12,174,20 and interest theeon ie., Rs. 2.69,340/- for the year 2000-01 and also the order in Review ie., order No.AP/30153/PRMI/Com.III/04/954 dt. 25.8.2004 on the file of the Asst. Provident Fund Commissioner, SRO, Guntur and quash the same as illegal and arbitrary.

Counsel for the Petitioner: MR.M.PANDURANGA RAO

Counsel for the Respondents: MR.R.N.REDDY

The Court at the admission stage made the following:

ORDER:

Petitioner establishment was assessed under Section 7-A of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952, (for short 'the Act'). Aggrieved by the same, petitioner filed review, which was also dismissed on 25-08-2004 under Section 7-B (1) of the Act.

2. Learned counsel for the petitioner submits that the impugned assessment order passed is without there being any enquiry, but the order indicates that necessary registers were produced by the petitioner to enable the respondents to assess the amount due from the employer. Against any such order passed by the authority, appeal lies to the Tribunal under Section 7-I of the Act. He further submits that the Tribunal is not functioning for obtaining necessary orders. Having regard to the same, on petitioner depositing 50% of the amount so demanded, within a period of 6 weeks from the date of receipt of a copy of this order, all further steps pursuant to the impugned order are stayed pending disposal. On such deposit and producing necessary evidence about complying of the

order, the appellate authority shall proceed with the same, without insisting for deposit of 75% of the amount. The amount so deposited shall be subject to the result of the appeal filed by the petitioner, if any. If no appeal is filed, respondents are at liberty to proceed further in the matter.

The Writ Petition is accordingly disposed of. No costs.

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A. GOPAL REDDY, J

September 20, 2004
MRR

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To:

1. The Asst. Provident Fund Commissioner and the Authority, under Section 7A
   of the Act, Employees, Provident Fund Organisation, Sub Regional Office, 3rd
   Line, Krishna Nagar, Guntur 06.
2. Two C.D. Copies.